IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1534 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TRUCK INVESTMENT PVT.LTD - Applicant(s)

Versus

GUJARAT STATE FINANCE CORP. & 2 - Opponent(s)

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Appearance :

MR MTM HAKIM for Petitioner No(s).: 1.

NOTICE SERVED BY DS for Respondent No(s).: 1.
MR HS MUNSHAW for Respondent No(s).: 1.
RULE SERVED for Respondent No(s).: 2,3.

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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 25/07/2005

ORAL JUDGMENT

1. By filing instant petition under Section 115 of the Code of Civil Procedure ('the Code' for short), the petitioner seeks to challenge the judgment and order dated 7.9.1999 rendered in Civil Misc.

Appeal No. 172 of 1999 by the learned 4th Extra Assistant Judge, Vadodara by which the appeal filed by the petitioner came to be dismissed and thereby the order dated 11.5.1999 recorded below application Ex.5 in RCS No.516 of 1999 by the learned 6th Joint Civil Judge (SD), Vadodara rejecting the application filed by the petitioner seeking ad interim injunction during the pendency of the suit came to be upheld.

2. It may be noted that this is a petition filed against an interlocutory order passed below Ex.5 in RCS No.516 of 1999 by the learned 6th Joint Civil Judge (SD), Vadodara which has been affirmed vide judgment and order dated 7.9.1999 passed by the learned 4th Extra Assistant Judge, Vadodara in Civil Misc. Appeal No.172 of 1999.

3. In view of the amendment made in section 115 of the Code, petition field against an interlocutory order is not maintainable. The instant petition is filed against an interlocutory order. Therefore, in view of the amendment made in section 115 of the Code, now this revision application is not maintainable and deserves to be rejected.

4. For the foregoing reasons, the petition fails and accordingly it is rejected with no order as to costs. Rule is discharged. Interim relief, if any, stands vacated.

(A.M. Kapadia, J.)

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